

**TESTIMONY OF FRANKLIN E. HILL
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BEFORE THE SUBCOMMITTEE ON
RURAL AND URBAN ENTREPRENEURSHIP
UNITED STATES HOUSE OF REPRESENTATIVES COMMITTEE
ON SMALL BUSINESS**

DECEMBER 8, 2008

Mr. Chairman and Members of the Subcommittee, I am Franklin Hill, Director of the Superfund Division for the U.S. Environmental Protection Agency Region 4 (EPA). The Superfund Division oversees implementation of the Superfund program in the eight states of the Southeast.

Thank you for the opportunity to testify on the effects of contamination on small business and the surrounding community. I will be providing background on EPA's response to contamination discovered at the former CTS of Asheville (CTS) site, as well as describing the Agency's ongoing efforts to ensure that an appropriate cleanup is completed and that the health of the citizens of Asheville is protected. EPA and the North Carolina Department of Environment and Natural Resources (NC DENR) have closely coordinated efforts at the site and remain committed to working with you and the citizens of Asheville to ensure a complete investigation and clean up.

BACKGROUND

The CTS, or Mills Gap Road site, is located in Asheville, NC near the Skyland Community. CTS Corporation manufactured electronic components at the facility from

1959 to 1985, and prior to that International Resistance Corporation operated there. Land use in the area has evolved from light industrial and rural use to predominantly residential. The original 54-acre property was sold to Mills Gap Road Associates which developed a residential neighborhood, leaving a fenced nine-acre site where the former manufacturing operations occurred. A large, one-story brick building remains on this portion of the property. Access is presently restricted by a barbed wire-topped, chain link fence.

EPA has employed two Superfund authorities at this site: emergency removal authority and remedial authority. Superfund's emergency removal authority responds to immediate threats that are generally short-term responses. Remedial authority addresses threats that generally require extensive investigation and long-term responses, such as groundwater investigation and clean up. As further discussed below, the Remedial Program continues to evaluate the site for inclusion on the Superfund National Priorities List. In general, site actions taken between 1999 and today have occurred through the Removal Program.

In 1983, NC DENR found CTS Corporation to be in compliance with hazardous waste disposal regulations. After operations ceased in 1985, EPA conducted a preliminary assessment (PA), a review of available data on the site, which constitutes the first step in the remedial site assessment process. Evidence of a contaminant release from the operations at the CTS site was not immediately apparent at that time, and EPA concluded that no further remedial action under Superfund was necessary. In anticipation

of a property transaction, CTS Corporation conducted an investigation that was more extensive than the PA. In 1987, CTS sampled soil and groundwater and reported findings of contamination to NC DENR.

As part of a larger effort to reevaluate sites, EPA in 1989 completed the first phase of a screening site inspection, which recommended additional evaluation and sampling. The second phase was completed in 1991, which included sampling of soils, surface water, sediments, and a single potable well. Contamination was not found in the drinking water supply sample taken. While analytical results indicated chlorinated solvents had contaminated some sediments and surface water on site, the study concluded that no further federal action should be taken at the site.

The site was referred to the State for consideration in a state clean up program; and, in 1993, the NC DENR added the CTS site to its Inactive Hazardous Waste Site Priority list for further investigation. It should be noted, however, that the scope of the EPA 1991 screening site inspection did not include sampling of residential wells and springs used as a potable water source near the site, and therefore did not address whether exposures through the drinking water pathway were a threat at the time.

In the summer of 1999, following a citizen complaint, the NC DENR sampled the spring which supplied potable water to the three residences adjacent to the CTS site. After NC DENR identified contamination in the spring and one residential well, the EPA Removal Program, at the state's request, provided bottled water to the affected residents,

and funded the connection of those residences to a public water supply system in 1999. In addition, EPA performed a more extensive investigation of the CTS property, and discovered that soils beneath the building were contaminated with trichloroethene (TCE), trichloroethane (TCA), and petroleum hydrocarbons. EPA conducted extensive investigations into the nature of the contamination and commenced discussions with the potentially responsible parties.

In 2004, EPA entered into an Administrative Order on Consent (AOC) with CTS Corporation and Mills Gap Road Associates. The AOC requires CTS Corporation and Mills Gap Road Associates to clean up contamination in soils across the nine-acre area. Issues concerning potential groundwater contamination were referred to the NC DENR for further action. In response to the AOC, CTS Corporation constructed a Soil Vapor Extraction System which utilizes a series of extraction wells and a vacuum to extract solvents from the soils above the water table. The system, completed in July 2006, has effectively removed more than 3,900 pounds of solvents, which represents a significant reduction in site contamination.

RECENT ACTIONS AND ONGOING ACTIVITIES

On November 27, 2007, the NC DENR wrote CTS Corporation requesting a “site assessment to facilitate the transition in lead regulatory agency [from EPA] and to expedite complete remediation of the contamination” and in December, CTS Corporation agreed to conduct a voluntary site cleanup under the NC DENR’s Inactive Hazardous Sites Program. CTS Corporation has initiated a groundwater investigation under NC DENR oversight, and in September 2008, the CTS Corporation completed the installation of the first phase of monitoring wells on the site.

As a result of the continued concerns of the citizens living near the site, EPA, NC DENR, and Buncombe County Health Center (BCHC) personnel conducted drinking water well sampling in November 2007, at 63 residences. In addition, 13 surface water springs were sampled. Analytical results indicated one well in the Oaks Subdivision was contaminated with TCE and cis-1,2 dichlorethene (DCE). EPA immediately provided this residence with bottled water. As a result of follow-up sampling, EPA connected five nearby residences to alternate water supplies.

EPA initiated efforts in January 2008, to examine the potential for vapor exposure near the CTS site. While levels of TCE were undetectable in living spaces, low levels of TCE vapors were detected in some crawl spaces of homes. All measured values were within an acceptable, health-based risk range currently used by EPA. One outdoor air sample taken at the spring adjacent to the CTS site showed contaminants above the EPA risk range. Although all other outdoor air monitoring results were within the acceptable

risk range, one sample taken near a school bus stop on Surrey Run Road registered higher than most of the other samples. In response to community concerns about this detection, EPA conducted additional sampling in August 2008 to complement its January data. The August results were all generally lower than the earlier results. Notably, two samples taken near the bus stop on Surrey Run were undetectable; however, the result from the bus stop on Concord Road showed levels below EPA's risk range.

In the last year, EPA and CTS Corporation have reached an agreement to test an ozone injection system at the on-site spring. This system should reduce surface water contamination and improve ambient air near the CTS site. The investigation to support a final design was recently completed and a six-month trial period will begin in the near future. Full-scale implementation would follow, if the system successfully reduces TCE levels in the spring.

In September 2008, EPA tested 72 private wells, resampling many of the 63 previously sampled wells, and obtained results very similar to the November 2007 work. Buncombe County also completed the connection of 21 homes in the Oaks Subdivision to municipal water supply. EPA, in cooperation with the NC DENR and BCHC, has committed to quarterly sampling of private wells in the area, beginning in January 2009.

CONCLUSION

EPA continues to evaluate the CTS site's eligibility for the National Priorities List as new data are collected. EPA remains committed to keeping you and the community

informed as we move forward. As a part of our continued outreach, EPA and NC DENR representatives recently met with your staff and other congressional staff to discuss our site remediation efforts, as well as current and planned future activities anticipated by both agencies. At that meeting, EPA and the NC DENR agreed to keep the congressional offices and other elected officials informed about the on-going activities at the CTS site. On November 17, we provided an update and we will continue to provide monthly updates that may be distributed to your constituents and the community via websites and other media. We thank you for your continued support in these efforts.